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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ETHAN ANDREW EVANS TINDUKASIRI,

Defendant.

CASE NO. 1:22-MJ-00117-SAB
1:22-MJ-00114-SAB

STIPULATION AND ORDER FOR EXTENSION
OF TIME FOR PRELIMINARY HEARING
PURSUANT TO RULE 5.1(d), CONTINUANCE OF
STATUS CONFERENCE, AND EXCLUSION OF
TIME

DATE: December 1, 2023
TIME: 2:00 p.m.
COURT: Hon. Stanley A. Boone

Plaintiff United States of America, by and through its attorney of record, Assistant United States Attorney KIMBERLY A. SANCHEZ, and defendant ETHAN ANDREW EVANS TINDUKASIRI, both individually and by and through his counsel of record, CAROL ANN MOSES, hereby stipulate as follows:

1. The Complaint in this case was filed on July 14, 2022, and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on July 14, 2022. The court set a preliminary hearing date of July 28, 2022. ECF 3. That hearing was continued pursuant to a stipulation and request to continue it to August 16, 2022. ECF 14. The hearing was continued pursuant to a stipulation and request to continue it several more times: to November 18, 2022 (ECF 24), to January 6, 2023 (ECF 29), to March 30, 2023 (ECF 31), to May 19, 2023 (ECF 34), and then to December 1, 2023 (ECF 42).

2. By this stipulation, the parties jointly move for an extension of time of the preliminary hearing date in case 1:22-mj-00117-SAB to January 26, 2024, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's continuing investigation of the case. Specifically, both the Government and Defense have consulted with forensic experts to discuss the defendant's mental health diagnoses and how they may impact the charges. The parties have also reviewed extensive medical records and continue to have discussions about a pre-indictment resolution in light of ongoing investigation.

3. Additionally, the parties wish to engage in discussions regarding a pre-indictment resolution. The parties further agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

4. By this stipulation, the parties jointly move to continue the status conference on the training misdemeanor case, 1:22-mj-00114-SAB, to January 26, 2024, at 2:00 p.m., before the duty Magistrate Judge

5. The parties agree that good cause exists for the extension of time, and that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases. Therefore, the parties request that the time between December 1, 2023, and January 26, 2024, be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

IT IS SO STIPULATED.

Dated: November 28, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

Dated: November 28, 2023

/s/ CAROL ANN MOSES

CAROL ANN MOSES

Counsel for Defendant

ETHAN ANDREW EVANS

TINDUKASIRI

ORDER

The Court hereby finds that the Stipulation, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and continuance of the status conference.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:

1. The Court sets a status conference in these matters for **December 1, 2023 at 2:00 p.m.**

before Magistrate Judge Barbara A. McAuliffe. The Court will accept a Rule 43 waiver motion, filed in advance, for defendant's appearance at this status conference.

2. The date of the preliminary hearing in case 1:22-MJ-00117-SAB and 1:22-MJ-00114-SAB is extended to **January 26, 2024, at 2:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** The time between December 1, 2023, and January 26, 2024, shall be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(7)(A). Defendant shall appear at that date and time before the Magistrate Judge on duty.

IT IS SO ORDERED.

Dated: **November 28, 2023**

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE